

Congress of the United States
Washington, DC 20515

February 19, 2021

The Honorable Andrew M. Cuomo
Governor of New York
NYS State Capitol Building
Albany, NY 12224

Dear Governor Cuomo:

On February 11, 2021, it was revealed that your top aide, Melissa DeRosa, told New York Senate Democrats that the Cuomo Administration intentionally “froze” the state’s nursing home death toll to conceal the facts out of fear the truth would be “used against [the Cuomo Administration]” by the U.S. Department of Justice.¹ This apparent obstruction of justice necessitates an immediate and thorough investigation by Congress especially in light of the recent revelation that you and your Administration engaged in a cover-up aimed at concealing your culpability in New York State’s COVID-19 nursing home crisis.

Further, recent reporting from *CNN* and the *New York Times* suggests that your attempts to cover-up the truth and conceal your culpability extend beyond obstruction to threats of retaliation toward anyone who might cross you.² Democrat New York State Assemblyman Ron Kim—whose uncle died in a New York nursing home from COVID-19—stated you “threatened to destroy [Assemblyman Kim’s] life” if he did not participate in your scheme to conceal the true nursing home data.³ You also reportedly told Assemblyman Kim to retract his statement questioning the motives of Ms. DeRosa.⁴ This behavior appears to be your *modus operandi* when anyone attempts to question your “leadership.”⁵

On June 15, 2020, Select Subcommittee Republicans sent you a document request, after it became clear you violated federal health care guidance. We requested all nursing home infection and fatality data.⁶ You ignored this request.

¹ Shannon young & Anna Gronewold, *Coverup claims engulf Cuomo as scandal over nursing home deaths grows*, POLITICO (Feb. 12, 2021), <https://www.politico.com/states/new-york/albany/story/2021/02/12/coverup-claims-engulf-cuomo-as-scandal-over-nursing-home-deaths-grows-1363353>.

² MJ Lee, *Cuomo said ‘he can destroy me’: NY assemblyman alleges governor threatened him over nursing homes scandal*, CNN (Feb. 17, 2021), <https://www.cnn.com/2021/02/17/politics/cuomo-ron-kim-nursing-home/index.html>; Luis Ferre-Sadurni & Jesse McKinley, *Cuomo Attacks a Fellow Democrat Over Nursing Home Criticism*, N.Y. TIMES (Feb. 17, 2021), <https://www.nytimes.com/2021/02/17/nyregion/nursing-homes-cuomo-ron-kim.html>.

³ *Id.*

⁴ *Id.*

⁵ See generally J. David Goodman, et. al., *9 Top N.Y. Health Officials Have Quit as Cuomo Scorns Expertise*, N.Y. TIMES (Feb 1, 2021), <https://www.nytimes.com/2021/02/01/nyregion/cuomo-health-department-officials-quit.html>.

⁶ *Id.*

On July 9, 2020, Select Subcommittee Republicans sent you another document request asking for all data, including infection and fatality data, underlying your Administration's report on COVID-19 in nursing homes.⁷ You ignored this request.

On January 28, 2021, after New York Attorney General Letitia James released a report stating "COVID-19 resident deaths associated with nursing homes in New York State appear to be undercounted...by approximately 50 percent," Select Subcommittee Republicans sent you a third document request for all nursing home infection and fatality data.⁸ You ignored this request. In yet another act of obstruction, you again refused to comply with this basic request for transparency.

We reiterate our requests from the past three letters. For your convenience, they are listed below:

1. The total number of COVID-19 related nursing home deaths, including deaths that occurred at the nursing home and deaths of a registered nursing home patient at a hospital, by day between January 1, 2020 and present.
2. All State issued guidance, directives, advisories, or executive orders regarding hospital discharges to nursing homes or any and all other types of assisted living facilities, including those previously superseded, in chronological order.
3. All underlying information, documents, and research used by the NYSDOH to draft the July 6, 2020, report entitled "Factors Associated with Nursing Home Infections and Fatalities in New York State During the COVID-19 Global Health Crisis."
4. All information, documents, and communications between the Office of the Governor and the NYSDOH regarding COVID-19 mitigation in nursing homes and other long-term care facilities.
5. All information, documents, and communications between the NYSDOH and any and all of the State's Nursing Home Administrators relating to the implementation of any state COVID-19 guidance, particularly the March 25 "must-admit" order, the NYSDOH report, or the methodology for calculating COVID-19 deaths in nursing homes.

In addition to these documents, we respectfully request transcribed interviews with the following individuals in your Administration:

⁷ Letter from Steve J. Scalise, et. al., Ranking Member, Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform, to Andrew M. Cuomo, Governor, N.Y. (July 9, 2020).

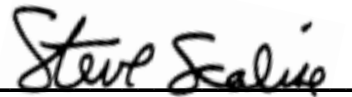
⁸ NEW YORK STATE OFFICE OF THE ATTORNEY GENERAL LETITIA JAMES, NURSING HOME RESPONSE TO THE COVID-19 PANDEMIC, 12 (Jan. 28, 2021), <https://ag.ny.gov/sites/default/files/2021-nursinghomesreport-final.pdf>; Letter from Steve J. Scalise, et. al., Ranking Member, Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform, to Andrew M. Cuomo, Governor, N.Y. (Jan. 28, 2021).

1. Dr. Howard A. Zucker
Commissioner of Health
New York State
2. Ms. Melissa DeRosa
Secretary to the Governor
New York State

Please provide the documents and schedule the transcribed interviews by March 5, 2021. These interviews may be conducted remotely for convenience and safety issues. To schedule the interviews or ask any follow-up or related questions, please contact Committee on Oversight and Reform staff at (202) 225-5074.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Further, the Select Subcommittee on the Coronavirus Crisis is empowered to investigate “any disparate impacts of the coronavirus crisis on different communities and populations, including...age.”⁹ Thank you in advance for your cooperation with this inquiry.

Sincerely,



Steve J. Scalise
Ranking Member
Select Subcommittee on the
Coronavirus Crisis

cc: The Honorable James E. Clyburn, Chairman
Select Subcommittee on the Coronavirus Crisis

⁹ H. Res. 935 § 3(a)(6) (2020).